

Second Draft for review

4.27 SMALL LOT DEVELOPMENT STANDARDS

4.27.1 **Purpose.** The town recognizes that certain residential lots were created prior to the adoption of current zoning districts, with lot sizes smaller than this title requires. As a result, proposed new development and redevelopment on Small Lots may have difficulty meeting setback requirements. The purpose of this subsection is to allow flexibility in setback standards on legally created Small Lots where the area or dimensions of the lot are most restrictive in order to accommodate reasonable development and/or redevelopment, consistent with existing patterns of development on similar lots in the general area.

4.27.2 **Small Lot Defined.** The term “Small Lot,” as used in this chapter, shall mean all those lots which meet the applicability criteria of section 4.27.3 of this chapter.

4.27.3 **Applicability.** The standards of this section apply to:

4.27.3.A. Lots in the rural residential (RR) zone with a lot area less than one-acre (43,560) square feet, provided:

- 4.27.3.A.i. Current setbacks under the RR zone would limit either the width or length of a primary structure to less than 40 feet; and
- 4.27.3.A.ii. The lot is not subject to any variances, special exceptions, settlement agreements, development agreements, court orders or other similar entitlements or agreements that deal with lot size, setback, or lot coverage standards; and
- 4.27.3.A.iii. The lot is used for strictly residential purposes.

4.27.3.B. Lots in the residential (R) zone with a lot area less than twelve thousand (12,000) square feet, provided:

- 4.27.3.B.i. Current setbacks under the R zone would limit either the width or length of a primary structure to less than 40 feet; and
- 4.27.3.B.ii. The lot is not subject to any variances, special exceptions, settlement agreements, development agreements, court orders or other similar entitlements or agreements that deal with lot size, setback, or lot coverage standards; and
- 4.27.3.B.iii. The lot is used for strictly residential purposes.

4.27.4 **Reduced Setbacks.** A residential building permit may be granted with side or rear yard setbacks less than those required in the underlying zone, after review and approval of the Planning and Zoning Commission, provided that:

4.27.4.A. No side or rear yard setback for the primary residential structure shall be reduced to less than ten (10) feet; and

4.27.4.B. No side setback shall be reduced if the size or configuration of the lot allows the primary residential structure to be a minimum of forty (40) feet in width; and

4.27.4.C. No rear setback shall be reduced if the size or configuration of the lot allows the primary residential structure to be a minimum of forty (40) feet in length; and

4.27.4.D. A setback shall be reduced only as much as is necessary to alleviate an actual hardship to a landowner created by the Small Lot. A landowner's desire to place a particular floor plan on a parcel in and of itself is not a hardship. A hardship would be considered to exist if a landowner was unable to construct a minimum forty (40) by forty (40) foot, or alternatively, a sixteen-hundred (1,600) square foot, single story dwelling on the lot; and

4.27.4.D. No reduced setback for a dwelling structure shall be considered to create a non-conformance for an adjoining landowner whose livestock are contained in fields, corrals, or other fenced enclosures less than fifty (50) feet from the dwelling.

4.27.5 **Front Setbacks, Accessory Structures and Building Height Standards.** Front setbacks, accessory structures, and building heights for Small Lots governed by this title shall be governed by the underlying zoning.